

Senate Bill 506

By: Senators Fort of the 39th, Tate of the 38th, James of the 35th and Orrock of the 36th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to  
2 public records for which public disclosure is not required under the open records law, so as  
3 to modify provisions relating to the exemption for records of a pending investigation or  
4 prosecution of criminal or unlawful activity; to provide that such records shall maintain their  
5 privileged status during the pendency of all of two or more concurrent investigations; to  
6 provide for related matters; to provide an effective date; to repeal conflicting laws; and for  
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to public records  
11 for which public disclosure is not required under the open records law, is amended by  
12 revising paragraph (4) of subsection (a) as follows:

13 "(4) Records of law enforcement, prosecution, or regulatory agencies in any pending  
14 investigation or prosecution of criminal or unlawful activity, other than initial police  
15 arrest reports and initial incident reports, provided, ~~however, that an~~ that:

16 (A) Such records shall remain privileged and exempt from public disclosure if  
17 transmitted to another agency or a district attorney's office for a concurrent  
18 investigation; in such case such records shall retain their privileged and exempt status  
19 until the completion of all concurrent investigations and the completion of the original  
20 investigation and prosecution; and such records shall not lose their privileged and  
21 exempt status merely because of the completion of, or the issuance of the findings or  
22 recommendations of, any one of such concurrent investigations; and

23 (B) An investigation or prosecution shall no longer be deemed to be pending when all  
24 direct litigation involving said investigation and prosecution has become final or  
25 otherwise terminated;"

26 **SECTION 2.**

27 This Act shall become effective upon its approval by the Governor or upon its becoming law  
28 without such approval.

29 **SECTION 3.**

30 All laws and parts of laws in conflict with this Act are repealed.